THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M. VENKATESWARA REDDY

WRIT PETITION No: 4045 of 2006

-

Date: 07.03.2006

-

Between:

Dhattam Govindama.

… Petitioner.

AND

The Superintending Engineer,

R&B Department, Nellore,

Nellore District & another.

… Respondents.

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND

THE HON'BLE MR JUSTICE M. VENKATESWARA REDDY

ORDER:- (PER THE HONOURABLE JC,J)

The unsuccessful applicant in O.A.No.845 of 1999, on the file of the Administrative

Tribunal, is the petitioner herein. The said O.A. was dismissed by an order, dated 30.10.2003.

The petitioner approached the Administrative Tribunal earlier in O.A.No.5770 of 1998 complaining that the respondents herein are not considering his case for compassionate appointment. The Tribunal by its order, dated 17.08.1998, directed the respondents to examine the case of the petitioner in the background of an unregistered Settlement Deed, dated 09.10.1986, executed by one Pedda Veeraiah, who died in harness while working as a Gang man with the respondents herein.

Admittedly, the said Pedda Veeraiah died issueless. The petitioner claims to be the adopted son of the said Pedda Veeraiah. The unregistered Settlement Deed, dated 09.10.1986, does not speak up any adoption by the said Pedda Veeraiah of the petitioner. The document only indicates that on the death of Pedda Verraiah, the retirement benefits be passed on to his wife and the petitioner herein. Therefore, the respondents rejected the claim of the petitioner that he is entitled for consideration for a compassionate appointment in the background of the orders contained in G.O.Ms.No.612, GAD, dated 03.10.1991. The G.O. lays down guidelines with respect to compassionate appointments. Para 2 (ii) of the said G.O. also envisages that even an adopted child can be considered for compassionate appointment of course subject to the condition that there was a valid adoption, which took place at least five years prior to the date of death of the Government servant. The petitioner herein claims the benefit of the above.

The question here is whether the petitioner is the adopted son of abovementioned Pedda Verraiah at all. The Tribunal rightly held that there is no adoption deed at all. The only deed, dated 09.10.1986, referred to earlier is an unregistered Settlement Deed and there is no whisper of any adoption in the said deed nor the petitioner produced any other material either documentary or otherwise to establish that there was a valid adoption in accordance with law. The other material relied upon by the petitioner is a certificate issued by the Mandal Revenue Officer, Gudur, Nellore District, dated 18.03.1998. The Mandal Revenue Officer, who issued the certificate, in substance stating that the petitioner was adopted by the deceased Pedda

Verraiah by an unregistered agreement dated 09.10.1986. The Mandal Revenue Officer further stated in the certificate that the petitioner is not a legal heir of the deceased Pedda Verraiah, but a member of the family! It is rather difficult to understand such a certificate and the content of the certificate. The copy of the document, dated 09.10.1986, is placed before this Court. A reading of the document does not give any indication that there was an adoption.

In such a case, we fail to understand how the Mandal Revenue Officer would come to such a conclusion that the document, dated 09.10.1986, is an adoption deed. In the absence of any other material to establish that there was an adoption in accordance with the relevant law applicable to the parties under Hindu Adoptions and Maintenance Act 1956, in our view the petitioner has no legal right to claim the benefit of compassionate appointment.

We do not see any reason to interfere with the conclusion reached by the Tribunal. The writ petition is devoid of merits and the same is dismissed at the admission stage. No order as to costs.

_____

J.CHELAMESWAR, J

_____

M. VENKATESWARA REDDY, J

Date: 07.03.2006

ES